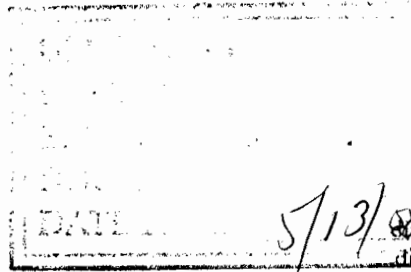


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May 13, 2008

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED

Re: Johnson v. Eli Lilly and Co., 08-CV-987 (BSJ)(GWG)

Dear Magistrate Judge Gorenstein:

As counsel for defendant Eli Lilly and Company, we are requesting the upcoming conference scheduled for May 23, 2008 at 10:30 a.m. be cancelled.

This case involves allegations of personal injury due to plaintiff's use of the prescription medication Zyprexa. On April 14, 2004, the United States Judicial Panel on Multidistrict Litigation ("JPMDL") ordered that all Zyprexa cases filed in federal court would be consolidated and transferred to the Eastern District of New York to the Honorable Jack Weinstein. On April 22, 2008, this case was conditionally transferred by the JPMDL in a Conditional Transfer Order (CTO 119) to Judge Weinstein. See attached. We therefore request that the initial scheduling conference be cancelled. Plaintiff's counsel consents to our request.

Respectfully,

Samuel J. Abate, Jr.

Grated.

SO ORDERED: DATE 5/13/2008

GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

Enclosure

Copy to: Finkelstein & Partners LLP